

[Parties and Counsel Listed on Signature Pages]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

This Document Relates To:

ALL ACTIONS

MDL No. 3047

Case No. 4:22-md-03047-YGR (PHK)

**JOINT STATUS REPORT ON
FORENSIC IMAGING AND DEVICE
DATA**

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

Pursuant to Discovery Management Orders No. 8 and 9 (“DMO No. 8” and “DMO No. 9”), the Parties jointly provide this status report on forensic imaging and device data of Plaintiffs’ devices (hereinafter “Main Devices”)¹ as well as the Parties’ progress in conferring on certain other topics as directed by the Court.

I. Search Terms & Word Searchable Databases

The Parties agreed to case-specific search terms to be run across Bellwether PI Plaintiffs’ ESI on August 30; however, as anticipated, further discussions are occurring regarding the data sources across which a few terms will be run for two Bellwether PI Plaintiffs. The Parties also continue to discuss the search terms to apply to data sources Plaintiffs have identified for loss of consortium plaintiffs/parents/guardians, which the Parties anticipate resolving by the end of this month. In addition, the JCCP Bellwether PI Plaintiffs have agreed, absent good cause, to the same general search terms as those negotiated for the Bellwether PI Plaintiffs in the MDL.

II. Forensic Imaging

The Parties continue to confer over whether the iPhone 15 that now belongs to B.H.’s father (*see* chart in § VI) qualifies as a Main Device that should undergo FFS imaging. The Parties will present any dispute over this issue to the Court in a timely fashion.

III. Device Identifying Information

As of September 19, 2024, Plaintiffs had provided:

- The serial number or ICCID number for 34 devices;
- The IMEI, MEID, or MAC address 33 devices (all applicable devices);
- The current operating system for 34 devices; and
- A complete list of applications on 34 devices.

Plaintiffs have not yet provided the approximate start and end dates for the device usage; however,

¹ The Parties use the term “Main Devices” to refer to the Court’s definition in DMO 8 of devices from which information will be initially produced: “[A]ll devices (cellphones, tablets, laptops, computers, and the like) which are in each Bellwether PI Plaintiff’s possession, custody, or control and that they have habitually, routinely, or regularly used during the relevant time period to access the Defendants’ platforms.” Order at 8:24–9:25; Hrg. Tr. at 45:19–21.

1 Plaintiffs have relayed that those dates will be able to be provided once all images have been transferred
2 to the respective ESI vendors, or the Parties may agree that Defendants' forensics vendors are better
3 positioned to obtain that information under Plaintiffs' current proposal for production of filesystem data
4 that the Parties are currently discussing, as set forth further below.

5 **IV. Datasets, Relevant Applications, and Production Format and Logistics**

6 To date, Plaintiffs have made productions of text searchable ESI from a subset of the Main Devices
7 which had prior logical extractions performed. Plaintiffs' ESI vendors are in the process of providing
8 Defendants an overlay for those prior productions from the main devices that specifically identify the
9 particular device and whether the production came from a logical or FFS image of the device.

10 Since search term negotiations have been largely finalized and CSAM process concerns have been
11 addressed, Plaintiffs' forensics vendor has begun processing the device images and performing CSAM
12 reviews. Once complete, the processed FFS images of Plaintiffs' Main Devices are sent to ESI vendors
13 for processing and ingestion into the review platforms for search terms to be run and productions to be
14 made.

15 The Parties have reached an agreement on specific interim deadlines for the bellwether personal
16 injury Plaintiffs to substantially complete productions of text-searchable ESI from Plaintiffs' collections,
17 including the full filesystem (FFS) images of Plaintiffs' Main Devices. The below chart reflects the
18 Parties' agreed-to substantial completion deadlines for Plaintiffs' text-searchable ESI. Plaintiffs agree to
19 substantially complete "data files, syslogs, and app settings . . . which are not readily searchable using
20 keywords or search terms" as required by DMO 8 by November 4, 2024.

21 As of September 30, 2024, Plaintiffs S.K., Craig, and B.M. have substantially completed
22 production of text searchable ESI from their Main Devices. Plaintiffs B.H., Smith, and Clevenger
23 substantially completed production of text searchable ESI from their Main Devices by the October 10,
24 2024 deadline. Defendants provided counsel for Mullen an extension of the deadline for Mullen to
25 substantially complete the production of text-searchable ESI. Mullen substantially completed the
26 production of text-searchable ESI on October 16.

Plaintiff	Case No.	Plaintiff's firm	Selection mechanism	Date
S.K.	4:23-cv-01584	Motley Rice	Plaintiff pick	9/30/2024
Craig, Klinten	4:22-cv-05890	Beasley Allen	Defense pick	9/30/2024
B.M.	4:23-cv-01615	Motley Rice	Plaintiff pick	9/30/2024
B.H.	4:22-cv-06751	Lieff Cabraser	Defense pick	10/10/2024
Clevenger, Laurel	4:22-cv-06457	Beasley Allen	Defense pick	10/10/2024
Smith, Leslie	4:23-cv-05632	Lieff Cabraser	Plaintiff pick	10/10/2024
Mullen, Nuala	4:23-cv-00600	SMVLC	Plaintiff pick	10/10/2024
Melton, David	4:22-cv-06627	Beasley Allen	Defense pick	10/18/2024
J.D.	4:22-cv-05987	Southern Med Law	Defense pick	10/18/2024
D'Orazio, Jessica	4:23-cv-03751	Lieff Cabraser	Plaintiff pick	10/18/2024
McNeal, Dymand	4:23-cv-01092	Levin Papantonio	Defense pick	10/18/2024
M.G.	4:24-cv-01983	The Carlson Law Firm	Plaintiff pick	11/4/2024

V. Non-Text Device Data Production

The Parties, along with their respective third-party vendors or consultants, had an initial meet and confer on Thursday, September 19, 2024 to discuss the categories and location of data sought from Main Devices, and the requested format for production of the agreed upon data.² Defendants provided a list of the requested data categories to Plaintiffs on September 18, 2024. Since September 19, the Parties have continued to discuss the categories and location of data sought from Main Devices, and the requested format for production of the agreed upon data. Concurrently, this issue was discussed at the JCCP hearing in front of Judge Kuhl on September 25, 2024, where the MDL and JCCP Plaintiffs were asked to work together on a joint response regarding this production.

On Friday September 27, 2024, the MDL and JCCP Plaintiffs responded to Defendants' list of requested data categories by identifying those requested data categories they agree to produce immediately, data Plaintiffs do not agree to produce, and those categories that will require further meet and confer. The Parties mutually agreed that they would benefit from more time to continue their discussions before providing a joint status report to the Court. On September 27, 2024, the Parties filed a joint Stipulation and Proposed Order requesting an extension until October 2, 2024 to continue their

² JCCP Plaintiffs also attended that meet and confer.

1 conferrals, which the Court granted. See ECF 1138.

2 After providing their responsive edits on September 27, 2024, Plaintiffs later sent a second,
3 informal proposal to Defendants offering to produce the inverse of the text searchable and reviewable
4 user content from FFS image that Plaintiffs were already reviewing and producing through their ESI
5 vendors. Plaintiffs offered to make this production with the condition that the device and usage data be
6 produced directly to the Defendants' forensics vendor for their eyes only for the purposes of performing
7 their analyses. Because there may be system-level data buried within application and other databases
8 that contains substantive user content, Plaintiffs' proposal would require Defendants and their vendor to
9 agree to a protocol to ensure any substantive user content is redacted or otherwise not disclosed to
10 Defendants as part of the vendors' technical analysis. Under Plaintiffs' proposal, Plaintiffs would have
11 the opportunity to review any such substantive user content for privilege and responsiveness before it is
12 produced to Defendants, and Plaintiffs would produce that data to the Defendants and/or their forensics
13 vendor.

14 The general parameters of this proposed protocol were discussed during a meet and confer held on
15 October 1, 2024, which included the requisite Plaintiffs representatives from the JCCP and the MDL,
16 Defendants, and both Parties' respective forensics experts. The Parties have had several additional meet
17 and confer discussions, which have included the Parties' respective forensics experts, and have exchanged
18 several drafts of the proposed protocol, which they anticipate finalizing soon.

19 **VI. Lost Devices**

20 In connection with a series of meet and confers concerning electronic devices lost or destroyed by
21 bellwether Plaintiffs, the parties held an H.2 conference on the preservation of non-bellwether devices
22 (and accompanying data) on October 11, 2024 and agreed that they are at an impasse with respect to this
23 issue. The parties will submit a letter brief on October 11, 2024. The parties are continuing to meet and
24 confer regarding any corresponding relief that may be appropriate in *Clevenger* due to her performing a
25 factory reset on her iPhone 13 in August 2024 after the Court ordered that Plaintiffs conduct a full file
26 system extraction of all Main Devices.

27 ///

VII. Supplemental Status Reports

The Parties will provide a Supplemental Status Report to the Court on October 24, 2024 unless the Court directs otherwise.

Respectfully submitted,

DATED: October 17, 2024

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ATTESTATION

I, Andrea R. Pierson, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: October 17, 2024

/s/ Andrea R. Pierson
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